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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8 United States of America,  
9  
10 Plaintiff,  
11 v.  
12 Miguel Angel Mendoza-Barcenas,  
13 Defendant.

No. CR-18-01291-001-TUC-JAS (DTF)  
**ORDER**

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15 Pending before the Court is a Report and Recommendation issued by Magistrate  
16 Judge D Thomas Ferraro. In the Report and Recommendation, Magistrate Judge Ferraro  
17 recommends that Defendant's Motion to Dismiss Indictment Pursuant to 8 U.S.C.  
18 1326(d) (Doc. 13) be denied. As the Court finds that the Report and Recommendation  
19 appropriately resolved the Defendant's Motion to Dismiss Indictment Pursuant to 8  
20 U.S.C. 1326(d) (Doc. 13), the objections are denied.<sup>1</sup>

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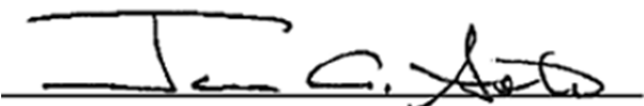
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27 <sup>1</sup> The Court reviews de novo the objected-to portions of the Report and Recommendation.  
28 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). The Court reviews for clear error the  
unobjected-to portions of the Report and Recommendation. *See Johnson v. Zema*  
*Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also Conley v. Crabtree*,  
14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

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Accordingly, IT IS HEREBY ORDERED as follows:

- (1) Magistrate Judge Ferraro’s Report and Recommendation (Doc. 27) is accepted and adopted.
- (2) Defendant’s Motion to Dismiss Indictment Pursuant to 8 U.S.C. 1326(d) (Doc. 13) is denied.

Dated this 24th day of October, 2018.

  
Honorable James A. Soto  
United States District Judge